Survey of Recodification Problems in Nevada

BULLETIN No. 9

NEVADA LEGISLATIVE
COUNSEL BUREAU

April 1950

CARSON CITY, NEVADA
STATE PRINTING OFFICE - - JACK McCARTHY, SUPERINTENDENT
1950

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FOREWORD

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The primary purpose of the Bureau is to assist citizens and officials in obtaining effective State Government at a reasonable cost. The plan is to search out facts about government and to render unbiased interpretations of them. Its aim is to cooperate with public officials and to be helpful rather than critical. Your suggestions, comments, and criticisms will greatly aid in accomplishing the object for which we are all working—the promotion of the welfare of the State of Nevada.

PREFACE

At a meeting held at Carson City, Nevada, on January 20, 1950, the Legislative Counsel Bureau ordered the Legislative Counsel to make a study of recodification problems in Nevada. The study begins with the history of recodification in Nevada, it discusses the need of recodification, the various problems that will be met in doing the job, the organization, functions, and procedure of a codification commission, recommendations, and an example of a recodification Act applicable to Nevada.

The renovation of the statutes of Nevada is a job recognized as being long overdue. The need for revision of statutes has been recognized in approximately one-third of the States, which either have revised their laws or are beginning some type of revision, recodification, or recompilation of their existing laws. Revision in this country dates back to 1776 when Thomas Jefferson was a member of a commission "to revise, alter, amend, or repeal the said laws, to form the same into laws, and report them" to the Virginia Legislature.

The last revision in Nevada took place in 1912, and the last complete compilation in 1929. The work assignments for a codification commission as suggested in this survey would be of a broader nature than that assigned to the body that prepared the revision of 1912. It is believed that many obsolete, antiquated, unconstitutional, redundant, and conflicting laws exist on the statute books today and, along with the fact that the complexity of legislation is much greater than ever before, it is believed that a broader work assignment is required. It is believed that such an approach would be popular not only with the bench and bar of Nevada, but also with the citizens of our State, who relish less law and greater simplicity in the construction of statutes. It must be remembered that the Legislature is required to pass on all proposed amendments, changes, repeals, etc., and that, while the revision of each section cannot be accomplished by the enactment of a separate bill because of the huge mass involved, the entire code must be passed and approved by the Legislature one way or another. A common method is to have separate bills for each of the principal titles in the code.

It is believed that there is a need for constant revision of the statute law, in order that it shall remain at all times plain, unambiguous, and accessible as possible, and so that it will never again be necessary to make a complete revision with a heavy expenditure of money and labor. It is believed that a desirable goal would be to secure for the Legislature and the citizens a modern code, relieved of complexity, and setting forth the law in plain language with uniformity of expression, and with convenient arrangement.

Printed copies of this survey may be obtained free of charge from the Nevada Legislative Counsel Bureau, Carson City, Nevada.

J. E. SPRINGMEYER,
Legislative Counsel.

CHAPTER I

HISTORY OF RECODIFICATION IN NEVADA

Under the terms of chapter 124, Statutes of Nevada 1873, the Secretary of State, Attorney General, and Clerk of the Supreme Court were authorized and directed to contract with M. S. Bonnifield and T. W. Healy for the purchase of their compilation of the laws of Nevada. One half of the purchase money was to be paid upon the passage of the Act, and the balance upon the delivery of the final manuscript. The "Compiled Laws of Nevada, 1873" eliminated repealed and obsolete statutes, and collected and arranged in convenient form laws then in force. The compilation was in two volumes and embraced all statutes from 1861 to 1873, inclusive, except special franchise Acts, and a few local Acts, not of general interest. There was a full alphabetical index, headnotes, and an analysis of the contents of chapters, and numerous references and notes of decisions. The compilation was printed at the State Printing Office.

In 1885 the Nevada Legislature enacted chapter 77, Statutes of Nevada 1885, which authorized David E. Bailey and John D. Hammond to prepare the second compilation of the laws of the State of Nevada. This was to be an annotated copy of such laws of general and public interest as should be in force on the thirty-first day of March 1885. The work was also to contain "The Constitution of this State, the laws of Congress in regard to naturalization, and the various acts of Congress relating to grants of land by the United States to the State of Nevada, with brief annotations or references to the decisions of the Supreme Court," together with a comprehensive and complete index; and it was further provided that the said work should be done to the satisfaction and approval of the justices of the Supreme Court, or a majority thereof. The compilers changed no laws, but they had to judge the statutes that were in force and of general public interest and eliminate such as were obsolete, superseded, or only of local and private effect. The language of the original sections was not changed, nor was any portion omitted, even though parts of some sections were plainly obsolete and parts of others were plainly superseded. Where entire sections were omitted or amendments substituted, the authority for the omission or change was uniformly given. The compilers refrained from making notes upon the force or construction of any section or statute, except in a few important cases, when the authority for the same was cited. Enacting clauses were omitted, and the index was general and strictly alphabetical. The compilation was printed at the State Printing Office, and Bailey and Hammond received $2,500 for their work. The one-volume compilation contained sidenotes, and the law allowed a purchase price of not less than $10 per volume. The Legislature appropriated $5,000 to cover the cost of the printing.

In 1899 the Nevada Legislature enacted chapter 5, Statutes of Nevada 1899, which authorized H. C. Cutting to prepare the third compilation of the laws of the State of Nevada. The authorizing statute was almost identical to the one authorizing the second compilation. The compilation included the session laws from 1861 to 1899, inclusive, and was

contained in a single volume of a larger size and a lesser thickness than that of the second compilation. Subjects or chapters were in the same order as in the compilation of 1885, but sidenotes were eliminated, and headnotes inserted before each section. Cases from the "Nevada Reports" were cited wherever possible. The Legislature appropriated $1,600 as payment to Cutting for his services, and $4,000 to print the compilation. The law authorized a sale price of not less than $6 per volume.

Chapter 236, Statutes of 1909, page 330, was the first official attempt in the State of Nevada to provide for general statutory revision. According to the title, this Act provided for the revising, compiling, annotating, and publishing of the laws of the State of Nevada. The Justices of the Supreme Court constituted a commission to revise, compile, annotate, and index the laws of the State, and certain laws of the United States. The law allowed the Justices one and three-quarters years in which to prepare the compilation which included the State Constitution, the Constitution of the United States, the laws of Congress relating to naturalization, grants of land by the United States to the State of Nevada, the location and patenting of mineral lands of the United States, the election of United States Senators, the authentication of records, and such other congressional Acts as were of direct interest to the State. The compilation was to contain marginal notes or headings, annotations or references to Supreme Court decisions, and a table of contents. In addition there was to be a cross-reference index. The Justices were ordered to exclude all Acts that were obviously unconstitutional, but in such cases they were to call the attention of the Legislature to the matter and make recommendations. They were also to suggest such amendments or additions to the law as they deemed necessary, and they were to combine the statutes under proper headings, and the whole thing had to be passed by the Legislature. When completed, the work was to be certified by the Justices and deposited with the Secretary of State. The Justices were authorized to employ an assistant, who did the major part of the work, at a salary of $300 per month. The Justices themselves were to receive quarterly payments of $500 per quarter, which appeared to be in addition to their regular salaries.

The printing of the compilation was to be done by the State Printing Office in good style, upon good book paper, and subject to the approval of the Justices. The Act ordered the printing of 3,000 copies, and 2,000 copies were to be bound in law sheep or buckram, in either one or two volumes, as the Justices would direct. The Secretary of State was ordered to deliver one set of the compilation to all those persons and libraries entitled to receive the laws, that is, the published statutes of the State, free of charge. In addition, he was ordered to deliver ten copies to the State Library and to sell the remainder at a price of $12 per set. The compilation was declared to be legal evidence of the law, but reference to any original Act was not to be precluded. The Act appropriated $1,500 for the purpose of paying the compensation of the Justices and their assistant in the work.

Chapter 84, Statutes of 1911, page 100, provided that all Acts passed at the 1911 Session of the Legislature which did not take effect until

after the year 1911 should not be published in the regular session laws for that year but should be included in the new compilation.

Chapter 126, Statutes of 1911, page 139, amended the 1909 Statute which provided for the compilation. This Act ordered the entire work to be completed and certified to by the Justices on or before the first of September 1911 and ordered the State Printer to furnish suitable proof sheets to the Justices. The Act appropriated $8,000 to cover the cost of printing and binding, and an additional sum of $1,000 to meet miscellaneous expenses and the cost of extra assistance. An additional sum of $1,500 was appropriated to pay for the proofreading of the compilation.

The total amount appropriated by the Legislature to meet the cost of the compilation was $25,500. The revisors examined every Act passed by the Legislature from 1861 to 1911, inclusive, and classified them as general, special, local, amended, or repealed Acts. The books and manuscripts showing these classifications were deposited with the Secretary of State in contemplation of their use in preparing future revisions or compilations of the laws, insofar as they might relate to statutes passed to 1911. A new school code was included in the compilation, such code being prepared by the Department of Education under the supervision of the State Superintendent, Mr. Bray. The exclusion of unconstitutional Acts was deemed to apply only where statutes manifestly fell within some well-established rule of construction enunciated by the Supreme Court, so as to leave not the slightest question or doubt as to the constitutionality. The work turned out to be of greater magnitude than was at first contemplated. The Justices of the Supreme Court were James G. Sweeney, G. F. Talbot, and F. H. Norcross. Mr. Edward T. Patrick was the principal assistant.

Chapter 223, Statutes of 1919, page 400, authorized the Justices of the Supreme Court to contract with Edward T. Patrick and George B. Thatcher for the compilation of a supplementary volume to the revised laws of 1911. The price of the contract was not to exceed $3,500, the style was to be the same as that of the 1911 compilation, but this was to be a compilation and not a revision; there was to be no revision or changes in the statutes, and no Acts thought to be unconstitutional were to be omitted. The State Printer was ordered to print 1,000 copies of the supplement and each copy was to be sold for $15. No free copies were distributed to anyone whatsoever under the terms of the law. Six thousand five hundred dollars was appropriated to do the work.

Chapter 214, Statutes of 1929, page 410, provided for the next revision, compilation, annotation, and indexing of the laws of Nevada. The compilation was to include a digest of the decisions of the Supreme Court. The Act created a commission of five members to supervise the work, two of whom were to be appointed by the Supreme Court, two appointed by the Board of Governors of the State Bar, and one to be appointed by the Governor. The commission was allowed no compensation whatsoever. The commission was authorized to enter into a contract for the work with a reputable firm that was engaged in the business of revising and compiling laws or lawbooks. The commission was given authority to prescribe the character of the work, the size,

nature, and number of volumes, and the manner and form in which the work was to be published. The Act declared that at the discretion of the commission, the compilation could be printed at the State Printing Office, or the contract with the compiling firm could include provisions for them to print, publish, and sell the compilations. The commission was given the authority to fix the price at which the compilation could be sold. Twenty-five thousand dollars was appropriated to carry out the provisions of the Act.

There was substantial adherence to the arrangement and classification used in "Revised Laws of Nevada, 1912." The set was composed of six volumes and was compiled and printed by the Bender-Moss Company of San Francisco. The commission was composed of George B. Thatcher, Charles A. Cantwell, H. R. Cooke, L. D. Summerfield, and George L. Sanford. The editor was Curtis Hillyer. It appears at this writing that not only did the Bender-Moss Company receive the $25,000 appropriated by the Legislature but also the purchase price of all sets, since so far as is known no free sets were distributed to anyone.

In 1931 the Legislature authorized and directed the State Librarian to receive for and on behalf of the State one hundred sets of the Nevada Compiled Laws, the sets to be the property of the State and under the charge and control of the State Librarian. He was ordered to distribute as many sets as necessary to the various State officers and departments, and twenty sets were to be reserved for the use of the Legislature. It appears that the sets were purchased from appropriated funds of the State Library, although available records are not clear on the point.

In 1942 the Bender-Moss Company on its own initiative and without Legislative authorization issued a two-volume supplement to the Nevada Compiled Laws, covering the period 1931–1941. It was indicated that the style of the supplement was approved by the Board of Governors of the Nevada State Bar. Pocket supplements of the Statutes for 1943 and 1945 have been issued, but to date there have been no supplements issued for the Statutes of 1947 or 1949.

During the 1949 Session of the Nevada Legislature, Senate Bill No. 36 was introduced, providing for the codifying, revising, compiling, annotating, and indexing of the laws of the State of Nevada, the digesting of the reports of the Supreme Court of Nevada, and making an appropriation of $60,000. The bill provided for a five-member codification commission to be composed of two members appointed by the Supreme Court, two appointed by the Board of Governors of the State Bar of Nevada, and one appointed by the Governor. The bill provided for a continuous process of codification; it allowed a loose leaf code; it provided for compilation and printing either by a lawbook concern or by the State, and it provided for the sale of the new code at not less than $50 per set. The bill was lost because the Legislature could not find the way clear to finance the project at that time.

CHAPTER II

RECODIFICATION PROBLEMS

THE NEED FOR RECODIFICATION

There is no doubt that the laws of the State of Nevada are badly in need of recodification. General statutory revision and compilation was accomplished in 1912, and the 1929 compilation is the one being used at the present time, said compilation being brought up to date by supplement. This could well mean that a careful study of the legislative Acts back to 1864 would have to be made in order to establish the basis for a thoroughly accurate revision, otherwise a good deal of faith would have to be placed in previous compilers. Compiling is one thing, and revising is another. It appears that there is great need for complete revision in order to eliminate various conflicts in the laws, eliminate errors, eliminate ambiguous and unclear wording, and so forth. However, the magnitude of the job and the cost involved might mean that the job would have to be accomplished in progressive stages.

Ordinarily there are three main objects in a revision of statutes. The first objective is to eliminate the statutes and parts of statutes which are obsolete, unconstitutional, impliedly repealed or otherwise of no present force and effect. The second objective is to bring together under a logical classification and numbering system, the statutes and parts of statutes which, because of the similarity of subject matter, properly belong together. The third objective is to simplify and clarify the statutes by eliminating redundant and tautological phraseology and by restating the statutes in simple, plain language. The above objectives relate to the text of the statutes. Other factors that must be taken into consideration are the index, annotations, and the actual publication. If the State proposes to publish its own code, consideration must be given to the cost of procuring a new index and new annotations or purchasing the existing index and annotations from the copyright holder. Also, there is the matter of preparing legislative history notes and tables.

The laws of the State of Nevada as contained in the Nevada Compiled Laws of 1929, with supplements, embody many obsolete, antiquated, unconstitutional, unnecessary, and duplicating sections. The whole body of the statutory laws covers approximately 15,000 sections. It is believed that 300 to 500 sections are obsolete, unnecessary, and antiquated, and possibly 1,000 sections are partially obsolete to the extent that they require correction. For instance, since Nevada became a State, the Legislature has made many changes in the titles of the different offices and departments of government, and the old titles have been inadvertently left in the statutes. This causes imperfection in our law, and sometimes confusion within the departments. Applying the experience of other States on the general problem, perhaps 7,000 of our sections need revision; most sections will require at least three corrective amendments, and some sections up to one hundred suggested amendments. Recognizing that a piecemeal revision would be a burdensome task for the Legislature, it appears that such

changes should be incorporated in a complete bulk revision of the laws of Nevada, rather than that each such section be revised by the enactment of a separate bill.

At the present time, it is necessary to make a five-step search in order to find all the Nevada law that is in full force and effect; namely, search of the Nevada Compiled Laws of 1929, the 1931–1941 Supplement, the combined pocket supplements containing the statutes of 1943 and 1945, and the regular statutes of Nevada for 1947 and 1949.* This simply means that it is beginning to be almost impossible to find all the law with any degree of certainty. It means that the operation of the Legislature itself might well be affected; for example, if someone makes a mistake in the laborious searching of the law, the Legislature could find itself amending laws that have already been repealed. Nevada courts and lawyers and public officials are beginning to be uncertain as to which laws are operative and which are not. All this prolongs litigation and makes it more expensive. It is to be noted that recodification and revision of the whole body of the statutes of the State is a long, arduous, and expensive process, but it appears that the job should be tackled as soon as possible, as the problem becomes more acute with every session of the Legislature. It now appears that, if the proper approach is made to the problem, a code can be compiled that can be expanded and revised from time to time, and it will never be necessary to do the completed job all over again.

Another problem is the need for continuous recodification. At the present time the Nevada Compiled Laws of 1929 are composed of six main volumes, plus two supplemental volumes, plus pocket supplements to cover the 1943 and 1945 Sessions of the Nevada Legislature. The laws of 1947 and 1949 have not been compiled to date, and they can only be found in the regular book of statutes issued by the State of Nevada. A code composed of a few large volumes rapidly becomes obsolete and unusable; additional statutes can be added only through the means of additional volumes or pocket supplements. The compiling and printing of a code similar to the Nevada Compiled Laws of 1929 will simply mean that the job will have to be done all over again within ten or fifteen years. There is need for a continuous system of recodification that can be rapidly accomplished after each session of the Legislature, at minimum cost, and that can be continued for an indefinite period of time. How can this be accomplished?

TITLES—SMALL VOLUME CODE—LOOSE-LEAF CODE

Most of the States of the Union are dividing their mass of statutes into a series of well-defined categories or titles, thereby simplifying the legislative problem and the problem of finding the law. The laws of Nevada could well be divided into approximately fifty main categories or titles, with resultant advantages. This leaves the way open for the consideration of two methods of compilation.

The first method is the compilation of the code in a series of thin volumes, probably as many volumes as there would be titles in the

*Since the original writing of this survey, the Bender-Moss Company has decided to issue a second supplement, to consist of one bound volume, covering the years 1943-1949. This will mean that the search for Nevada law will consist of three steps instead of five.

code. Each volume would have its own index, and as subsequent legislation was enacted, pocket supplements would be added to each volume. The key to the whole proposition is the fact that when the pocket supplements reached a justifiable size, it would be possible to reprint a given volume, incorporating the supplement therein, and accomplish such reprinting at a minimum cost without reprinting the entire code. The volumes of the code would gradually become larger through the years, but the fact is inescapable that at some time in the future the code would consist of many large volumes that would be very expensive to reprint. In addition, the user would continually have to contend with the pocket supplements.

The second and perhaps more desirable method would be to compile a loose-leaf code. The proposition of dividing the whole field of the law into many titles would still be used, but it would not be necessary to have many small volumes. There are many advantages to a loose-leaf system. For instance, pocket supplements would be eliminated entirely and the laws passed by each session of the Legislature could be inserted directly into the code by merely reprinting the sections and pages on which changes occurred. Continuous recodification and revision could be accomplished at minimum cost and with great rapidity. Using a decimal system of numbering sections, the loose-leaf code could be expanded indefinitely, and it would never again be necessary to make a complete recodification of the laws of Nevada. It would mean that extra pages and copies of specific statutes would always be available to business men, lawyers, State officials, and various citizens of this and other States. Continuous recodification would be a simple and inexpensive process from the viewpoint of compilation and printing.

There are two important things having a bearing upon a loose-leaf code. The first thing is that the binders used as volumes of the code must be rugged, compact, and as usable as a regular bound volume. It is only recently that such a binder has been developed. The "Cesco" slide-lock binder as manufactured by the C. E. Sheppard Company of Long Island City, New York, meets these qualifications, and is now used in official compilations of codes, rules and regulations of various departments of the State of New York. This binder is so constructed that the insertion of new pages is a matter that can be accomplished instantly, and, when closed, the volume closely resembles a regular bound volume. A loose-leaf code with such a binder would completely eliminate any binding problem, as far as the code is concerned, in the office of the State Printer.

The second thing having a bearing upon the loose-leaf code is the problem of who should print the code. Regardless of whether the code is printed in the form of many small volumes, or as a loose-leaf code, it can be readily demonstrated that the Nevada State Printing Office has been and is now handling State printing at a cost approximately one-third less than private plants would charge the State, primarily because of no profit and no payment of rent and other overhead. In addition, the State Printing Office turns out quality printing that compares very favorably with the work of any shop in the country. At the present time the State Printing Office is in need of additional equipment because of the increased volume of printing needed by

the various State departments, and such additional equipment would enable it to accomplish the printing of the new code in stride. It is immaterial whether the State hires its own men for the job of compiling and revising the laws of Nevada, but it is important that the actual work of printing be accomplished by the Nevada State Printing Office, not only because of the expense involved, but, if a continuous process of recodification is inaugurated and maintained in the State of Nevada, it will be necessary for the proposition to be coordinated with a nearby printing establishment.

THE PROCESS OF PRINTING BILLS

The original drafts of bills introduced in the Legislature are typewritten in triplicate, and the original is enclosed in a blue bill cover, the duplicate in a brown bill cover, and the triplicate in an orange bill cover. New material is underlined and omitted material is enclosed in brackets. The bill is given first reading by title and referred to a committee by a simple motion. Before the bill is actually delivered to the chairman of the committee it is sent to the printer for first printing. If the bill amends existing law, new material is printed in italics and omitted material is enclosed in brackets. With this system, the old law and the proposed changes are in front of the legislators simultaneously. In due time the bill is reported out of committee, and if amendments are adopted, the bill is immediately sent to the printer for reprinting with the amendments inserted. Except in certain unusual cases, bills are reprinted each time that they are amended, which means that the bill in its final form is always before the legislator when it is given third reading and final passage. After each printing, the bill is proofread by professional proofreaders in the printing office, and by proofreaders attached to the engrossing committees in the houses.

After a bill has passed both houses, it is ready for enrollment. The enrollment committee transmits the bill to the State Printer for printing in enrolled form, retaining the symbols (italics and brackets) indicating amendments to existing law. The enrolled bill is carefully proofread by proofreaders in the Printing Office, and by proofreaders attached to the enrolling committees in the houses. After the officers of the houses have signed the enrolled bill it is delivered to the Governor for his signature. If the Governor approves the measure, he delivers it, properly signed, to the Secretary of State, who in due time will have it bound with other enrolled bills passed and approved. The type remaining in the Printing Office is used again in printing the book setting forth the statutes passed during the session. After the book of statutes is printed the type is melted and used for other jobs.

Under this system the same type is used at each printing; the only changes are the amendments, and once the type is correct, it is always correct. Four to six proofreadings by hired experts can be given a bill before it is delivered to the Governor in its final printed form. Many States and the Federal Government have proved that under such a system bills are comparatively free from error by the time they are delivered to the chief executive. *And* they are ready for

binding in the statutes as soon as the index is compiled. It is increasingly important that the printed statutes be in the hands of the State officers and the general public as soon as possible after the legislative session adjourns, because there are more and more measures effective immediately after passage and approval.

THE UTILIZATION OF TYPE THROUGHOUT THE PROCESS

At the present time, most of the very same type that is set and used for the first printing of a bill is eventually used for the printing of the bound volumes of the Statutes of Nevada. The key point here is this: There is no reason that the very same type used for the printing of the bills and the statutes cannot also be utilized in the process of continuous code revision. The first complete code must, of course, be set by linotype machines for the first printing. But, in subsequent years, as new statutes are enacted, most of the type used for printing the official statutes can be used for revisions of the code, assuming that the same printing establishment prints the code revision as well as the original compilation. This means that there must be uniform style, uniform width of columns, and so forth, beginning with the first printing of a bill and up to and including the printing of various pages revising the loose-leaf code. The whole program must be coordinated, and in doing so it would mean considerable saving compared to any other method of approach, because most of the type will be used throughout the entire process. If a private print shop does the job, it will not only mean that the profit factor must be considered, but that they must reset all type used for code revision year in and year out.

THE COST OF CODIFICATION

Code revision is a more lengthy and expensive process than code compilation. Mr. Robert K. Cullen, who is a leading authority on code revision in the United States, has estimated that the revision in Nevada would cost between $75,000 and $100,000, these figures based upon his experience in the States of Kentucky, Ohio, and Missouri. It might take from two to four years to accomplish the work in its entirety. Compilation might be accomplished first with considerably less cost, with gradual revision following, but there is no doubt that complete revision should be accomplished eventually.

Section 11 of Senate Bill No. 36 of the 1949 Session of the Nevada Legislature reads as follows:

> SEC. 11. The codifying commission shall have the authority to fix and determine the price at which the compilation and digest shall be sold, and the price of the service and parts made available by the continuous process of codification from year to year; provided, however, that the price of the first compilation shall not be less than fifty dollars ($50). The first compilation and the parts made available by the compilation and the parts made available by the continuous process of codification from year to year shall be sold and distributed by the secretary of state to all persons, including state, county, and municipal officers, departments, agencies, and institutions, upon the payment of the purchase price as

> determined by the codification commission, and receipts from the sale thereof shall be deposited in the general fund; * * *

Senate Bill No. 36 provided an appropriation of $60,000 to carry out the project, and it is believed that the sale of the sets as provided in section 11 above would return approximately $25,000 to the State.

CHAPTER III

ORGANIZATION, FUNCTIONS, AND PROCEDURE OF A CODIFICATION COMMISSION

ORGANIZATION OF A CODIFICATION COMMISSION

Membership.

It appears that every State has a different conception of the membership of a codification commission. When the Legislature of the State of Utah authorized the codification of laws in 1941, it provided that the commission was to be composed of the Governor, the Attorney General, and the president of the State Bar. In Ohio, code revision is under the direction of a nine-member commission, composed of three members of the House of Representatives appointed by the Speaker, three members of the Senate appointed by the President Pro Tem, and three practicing attorneys appointed by the Governor. No more than two of the members in each category are members of the same political party. The Senate and House appointees serve until their successors may be appointed and are qualified, whereas those selected by the Governor serve six-year terms. The law revision and bill drafting commission of New Jersey consists of five members, one member from the Senate appointed each year by the President of the Senate, one member from the Assembly appointed each year by the Speaker, and three lawyers of ten years standing appointed by the Governor for a six-year term.

When the Legislature of the State of Nevada authorized general statutory revision in 1909, it provided that the revision commission was to be composed of the three Justices of the Supreme Court. When the Nevada Legislature authorized the Nevada Compiled Laws in 1929, it created a commission of five members to supervise the work, two of whom were to be appointed by the Supreme Court, two appointed by the Board of Governors of the State Bar, and one to be appointed by the Governor. Senate Bill No. 36 introduced at the 1949 Sessions of the Nevada Legislature provided for a codification commission of the same composition as was authorized in 1929.

In some States, the agencies employed by and serving the Legislature itself have been authorized to compile and codify the laws on a continuing basis, in an effort primarily designed to do the job in an economical manner with staffs, supplies, and equipment already in existence, and thereby avoid the creation of a new board or agency. An outstanding example of this method of approach is in the State of California, where the Legislative Counsel is authorized to compile and codify the laws on a continuing basis.

Staff.

Regardless of the membership of the codification commission, it is always necessary to provide for someone to do the actual work on a full-time basis, provided, of course, that the State is going to do the job itself. For instance, in Ohio the commission on code revision appoints the director of code revision for a term of six years, and with the approval of the commission, he appoints the necessary assistants,

clerks, and employees, and fixes their compensation, subject to appropriations. All the powers, duties, and functions of the agency are exercised and performed by and through the director, except that the commission may, on its own initiative, advise and direct the director with respect to such power, duties, and functions, in addition to its powers and duties defined by law. In 1909 the Justices of the Nevada Supreme Court were authorized to employ an assistant who did the major part of the work. The problem did not exist for the Nevada Compiled Laws of 1929, because the Nevada Legislature authorized the compilation commission to enter into a contract for the work with a reputable firm that was engaged in the business of revising and compiling laws or lawbooks; in other words, the State did not attempt to do the job itself. Senate Bill No. 36 of the 1949 Legislature provided that the codification commission shall have the authority to employ the staff and the technical assistance necessary to carry out the provisions of the Act. The size of the staff necessary to do the job would depend upon the size and extent of the revision and how much it was felt should be accomplished in a given period of time. With the assistance of various State departments in working up the titles of particular interest to them, and with an already created agency charged with the administration of the Act, a foundation compilation might be prepared in a two-year interval with an additional staff consisting only of a research attorney and a stenographer. If extensive codification, revision, compilation, annotation, and indexing is contemplated, along with a digest of the decisions of the Supreme Court of Nevada, and if the work is to be completed in two years, a larger staff would be necessary.

FUNCTIONS OF A CODIFICATION COMMISSION

The principal objectives of a code revision program are as follows:

(1) To determine what statutes are in force, to obtain copies of such statutes, and to establish a convenient master file containing true copies of the operative statutory law of the State.

(2) To eliminate from the statutes the obsolete, antiquated, unconstitutional, and unnecessary sections.

(3) To determine, list, and correct the partially obsolete sections.

(4) To bring together, under a logical classification system, those statutes and parts of statutes which, because of similarity of subject matter, properly belong together.

(5) To simplify and clarify the statutes by restating them in clear and simple language, and apply to their reconstruction the uniformity of expression, capitalization, spelling, and punctuation.

(6) To arrange the statutes relating to each subject in a logical sequence and according to the adopted plan and numbering system.

(7) To apply a system of numbers so as to allow a maximum of elasticity for future enactment.

PROCEDURE

Plan of the Code.

In selecting a method for the revision of the statutes, it is obvious that the ultimate result intended to be accomplished by the revision

process must first be agreed upon in order that an appropriate procedure may be devised. A plan for a revised code usually contemplates two major accomplishments:

(1) The reclassification, rearrangement, and renumbering of the statutory laws so as to bring together under a logical plan all statutes that relate to the same subject.

(2) The revision of each section of the laws by amending the partially obsolete sections, by correcting misspelled words and incorrect grammar, and by consistently punctuating all the sections where such changes will not affect the substance of the section, and by repealing obsolete sections discovered during the course of the revision program.

Such changes as the codification commission proposes, including reclassification and renumbering, must be submitted to the Legislature for legislative enactment. A plan for revised code would contemplate arrangement of the statute under suitable titles, divisions, subdivisions, chapters, and sections, with necessary modification. After that, the mechanical procedure for revision must be worked out.

Classification and Numbering.

The development of an adequate classification and numbering system is of first importance, for it is upon this framework that a revised code is built. A good plan divides the subject matter of the code into titles, chapters, and sections. The title represents the major and most general classification of subject matter in the revised code. Each title is divided into chapters which are, in turn, composed of individual sections. Experience in other States has indicated that the plan of further classifying of titles into divisions and subdivisions prevents badly needed elasticity.

The decimal system of numbering secures greater elasticity and provides ample space for new legislation. The following plan is used in the State of Ohio:

The digits to the left of the decimal point indicate the title number. The first and second digits to the right of the decimal designate the chapter number, while the third and fourth digits to the right designate the section number. The first section in the first chapter of the first title is numbered 1.0101. The last section of the last chapter of the last title is numbered 57.4529. Applying the rule stated above, it is seen that the last section in the revised code is the twenty-ninth section in the forty-fifth chapter of the fifty-seventh title. In order to allow for the later insertion of related new matter, the plan skips a title or chapter number after each title or chapter in the revised code. Because of this procedure, the number of the final title in the revised code is LVII despite the fact that there are only twenty-nine titles. The system will accommodate an unlimited number of new sections by carrying the decimals to additional digits.

This plan places at the disposal of the codifiers one million section numbers. Likewise, it is possible to add entire chapters, either between existing ones or after the last chapter in any title. The skipping of the title and chapter numbers provides space for the insertion of approximately ten thousand subsections between any two titles, or of ninety-nine sections between any two chapters. It is believed that

this plan represents a system of classification and numbering which will accommodate an ever-expanding body of laws for generations to come.

Method of Revision Procedure.

The first preliminary step in the revision work as set forth in the above-described plan is the preparation, on ruled legal cap sheets, of a running list of the section numbers of all sections in the existing statutes. These sheets are divided and bound in separate folders.

The next step is to prepare a separate sheet for each chapter of the new classification plan, bearing the name and number of the chapter. These chapter sheets are kept in loose-leaf binders. Each section of the existing statutes is then listed on the proper chapter sheet of the new classification. The method of assigning sections to chapters is as follows:

(1) When it is determined in which new chapter a section belongs, a new number is written opposite the present section number on the running list of existing sections.

(2) The present section number is then written on the chapter sheet for the new chapter to which the section was assigned.

(3) If a section assigned to one chapter has a relation to the subject matter of one or more other chapters, it should be brought to the attention of the research attorney who will work on such other chapters, and the section number is written on the lower portion of the chapter sheet under the heading "Cross References." This saves each research attorney the trouble of searching the index for related sections as to each chapter he handles.

(4) If during the assignment process an obsolete or partially obsolete section is discovered, it is assigned to a particular chapter in order that it can be disposed of in connection with the revision of the other sections assigned to that chapter. A note is then made and entered on the master card file, stating the obsolete character of such section.

A new file is then prepared, containing the text of each present section of the statutes, for the use of the research attorney. In this new file the text of each section is pasted in the middle of a heavy sheet of ledger paper, $8\frac{1}{2}'' \times 14''$. The size of this work sheet enables the research attorney to make all his notations to the left or right of the text of the section. As the assignment of the sections to new chapters is completed, the work sheets are assembled in folders bearing the designated new chapter headings. When the director assigns a particular chapter, the research attorney obtains from the control clerk a chapter folder containing all the sections assigned to that chapter. The research attorney then checks the master card file as to each section contained in the folder, in order to acquaint himself with any notes contained therein that will affect the treatment of the sections on which he is working. If the research attorney concludes that a section assigned to the chapter on which he is working belongs in some other chapter, or that a section which was assigned to another chapter properly belongs in the chapter on which he is working, he discusses the matter with the director and obtains authority to change the assignment of such section. The control clerk then makes the proper changes on the running list of existing sections and on the new chapter sheets.

When the research attorney has completed the revision of a chapter,

he returns the folder to the control clerk. The control clerk makes the proper entries in the control book described in the paragraph following, and the folder is then placed in a special file to await checking. After the work sheets in the chapter folder have been checked by the attorney assigned to the job of checking, the chapter folder is returned to the research attorney for the making of any corrections that have been designated by the checking attorney. Ordinarily, there must be a conference between the research attorney and the checker. After such corrections have been made, the folder is submitted to the attorney who has charge of inserting the new section numbers, where they are required, into the sections in the chapter folder. When these insertions have been made, the folder is given a final check by the attorney in charge of final checking. At this point, the folder is again channeled through the control clerk, and is then filed in a special drawer to await typing and proofreading.

In order to maintain a ready check upon the progress of the revision work, the control clerk should keep a "control book" in a loose-leaf binder. In one section of this control book, there is a sheet for each research attorney, showing the date on which each step of the procedure described above is completed on each chapter assigned to him. In the other section of the control book, there is a sheet for each proposed title in the revised code, showing the date on which each chapter assigned to such title is put through each step of the procedure described above, together with the name of the research attorney working on such chapter and the date on which it is typed and proofread.

Procedure for Revision of Chapters by Research Worker.

When a research attorney has obtained his working material for a chapter, he first reads through the sections assigned to the chapter and prepares a tentative outline of arrangement. He then reads the related sections listed on the chapter sheet under "Cross References," to ascertain whether they will affect the handling of the sections assigned to his chapter. After he determines what sections require amendment, the research attorney indicates the necessary changes in wording and punctuation on the work sheet for each such section, so that a typist may copy from the work sheet. The amendments are made in accordance with the rules of revision which are prepared and approved by the codification commission. If a section should be repealed as entirely obsolete, or if a section has been consolidated with another section in the chapter, the research attorney prepares a repeal clause repealing the section, as in a legislative bill. When the research attorney has prepared the necessary amending and repealing clauses for the sections to be amended or repealed, he arranges the sections of the chapter by categories, in the order indicated in the following outline:

(A) Definitions;
(B) The law or leading principle of the chapter;
(C) Administration of the law—
    (1) Authority to administer;
    (2) Procedure;
(D) Exceptional provisions;
(E) Penalties.

Typing and Filing.

When a completed chapter has been cleared with the control clerk, after its final checking, the folder containing the working material for the chapter is turned over to a typist, who types the following things:

(A) The outline of section arrangement prepared by the research attorney;

(B) The sections as amended by the research attorney;

(C) One copy of any memorandum prepared by the research attorney to explain why a particular section has been amended or recommended for repeal, which copy shall be attached to the work sheet for that section.

Each section is typed separately and in quadruplicate, and below the typewritten copy the deletions therefrom are listed as in a legislative bill. The original copy is placed in a folder bearing the number and title of the chapter in the revised code. One copy is attached to the work sheet. The other two copies are for the use of the codification commission. The final step will consist of inserting the new section number at the beginning of each section in accordance with the numbering plan of the revised code.

Continuous Codification.

An integral part of any long-range plan of code revision is the process of continuous codification. Bills passed by the Legislature must be examined by the staff of the codification commission, such examination usually including the following general steps:

(1) It must be determined whether the Act is of a permanent and general nature or of a special or temporary nature.

(2) If the Act is special or temporary, such fact is noted on the signed copy of the Act, and no code number is assigned to it.

(3) If the Legislature assigns a code number to a section of the bill, such number is carefully examined to determine whether it is in conformity with the numbering of sections in the code.

(4) If the Act is of a general and permanent nature, and the Legislature does not provide for code numbers in the bill, the director assigns a code section number to each code section in the Act. This number becomes the official number of the section and it is so used in the session laws or in any publication of the code.

The office of the amendment clerk of the Legislature can readily provide the codification commission with a copy of every enrolled bill as soon as it is received from the Printer, prior to the signing of the bill by the presiding officers of the Legislature and by the Governor. The staff of the codification commission can examine such copy and determine the code section numbers prior to receiving the enrolled bill from the Governor's office. Thus it can approve the section number stipulated by the Legislature or assign new numbers and file the new Act with the Secretary of State. In due time, the new and amended sections can be printed and readily inserted in the loose-leaf code. Such new pages can be readily distributed to attorneys and others for insertion in their copies of the code. Payment for such service can be made by subscribers on an annual fee basis, in a manner similar to that employed by Commerce Clearing House, Inc., for their tax guides.

The Commerce Clearing House, Inc., service is well known and widely used by attorneys and tax experts at the present time.

Establishment and Maintenance of the Master File.

A definite plan for the order, classification, and arrangement of a code involves the establishment of a "master file" containing true copies of the operative laws of the State of Nevada. Such a "master file" would be the only authentic copy of existing statutory laws aside from the archives in the Secretary of State's office. All code sections, as passed and as amended, must be carefully proofread against the published and certified statutes of Nevada and inserted in the file. Where it is found necessary or desirable in order to insure a double check, the sections must be proofread and checked with the original bills as submitted before enactment by the Legislature, and also with the original enrolled bills. All repealed sections must be deleted and placed in separate file cases for reference purposes.

The establishment of a "master file" is a first requirement and basic need for efficient operation of a codification commission. A satisfactory system can be developed by the utilization of visible accounting card files, in the following manner:

(1) Each section of the law is clipped and pasted on a specially-prepared card.

(2) Space is provided on the cards for symbols indicating the determinations of the research attorneys, such as "O" for "obsolete," "P" for "partially obsolete," etc.

(3) An additional sheet is attached to each card indicating the names of the proofreader and of the research attorney, comments relating to the history of the statute, Supreme Court decisions, and other pertinent information.

During a session of the Legislature, this file is kept current with the daily work of the two houses. When a bill effecting a section of the code is introduced in either house, a green signal is placed on the file card containing that particular section. Additional colored signals are affixed to indicate the following legislative actions: blue signal—bill passed the Senate; red signal—bill passed the Assembly; purple signal—bill passed both houses and signed by the Governor. Bills of a general nature passed by the Legislature and signed by the Governor are noted in the file, and thus a complete and accurate up-to-the-minute "master file," containing all newly enacted laws, can be maintained by the codification commission. The status of each law is readily ascertainable at a moment's notice.

CHAPTER IV

RECOMMENDATIONS

It is recommended that the 1951 Legislature enact the necessary enabling legislation and appropriate the necessary money to make a new compilation of the laws of Nevada, and, if we can afford it, a complete revision as well, since there is great need for the elimination of conflicting statutes, obsolete provisions, ambiguous wording, etc. While it appears immaterial whether the State hires its own experts to do the work of recodification, or whether it contracts with a lawbook firm to do the job of recodification, it is recommended that the actual printing of the compilation be performed by the State Printing Office. The reasons for this are twofold: (1) Elimination of the element of profit; (2) If the whole program is carefully planned, once the code is printed, subsequent changes made from session to session can be inserted therein by our State Printing Office using a large amount of the type that is already set for the official statutes of Nevada. Any system of continuous code revision demands that the printing be done as close as possible to and in full collaboration with the men doing the actual codification. If the whole program is properly coordinated, it will be unnecessary to do the whole job over again every ten or fifteen years, at great cost. Also, if the State prints and distributes the volumes it can make private individuals pay a purchase price for the sets and charge them for the service of maintaining and keeping their sets up-to-date through the years. The net result will be that the whole program will eventually pay for itself, and there will be no cost to the taxpayers of the State. There is one "fly in the ointment," however. The State Printing Office does not have all of the equipment and the machinery necessary to print the code at the present time; some special equipment might be needed; more modern linotypes might be needed to replace the 30-year-old machines, and possibly one or two additional machines. This leads to the next recommendation.

It is increasingly obvious that the printing needs of the various State departments and agencies are becoming greater as time passes. For a goodly number of years, there has been an ever-increasing amount of printing accomplished by the State Printing Office between sessions of the Legislature. For several months immediately prior to the opening of the 1949 Legislature, the Printing Office worked an extra shift of linotype operators in an effort to handle the load, and it appears that the same situation will again prevail prior to the 1951 Session of the Legislature. Money spent for machinery and equipment, particularly printing equipment, is a permanent investment that in due time will pay for itself in additional production. Also, storage space is at a premium as far as the Printing Office is concerned. A great many State departments and agencies would grind to a protesting halt if their printing needs were not met. Therefore, in order to meet the current printing needs of the State agencies, and, as an incident thereto, to print the new code of laws on a continuing basis, it is recommended that the 1951 Legislature make suitable provision to acquire needed

machinery and equipment at the State Printing Office and to provide necessary storage space. How can this be done without making a sizeable appropriation from the General Fund for the purpose?

Mr. Frank Helmick, formerly Legislative Counsel, in his report to the 1947 Legislature, remarked as follows:

> Extra funds are appropriated by the Legislature to pay the costs of printing of a department or agency under a unique system that provides that the money go directly to the account of the State Printer, to be used for printing by a given department only. Some of the State departments are included in the preferred list of free printing, others must pay the State Printer out of their appropriations for supplies. Still others receive their printing free of charge although they are not, strictly speaking, connected with the State. The free list should either be expanded to include them all, or all departments should be required to pay the printing charges from their own appropriations for supplies and incidentals. All the present system means is that it permits the concealment of expenditures of about $35,000 that should be charged directly to the departments involved. A change in the system would mean cheaper operation, and it would reveal the actual amount appropriated to a given department.

This recommendation is again renewed; most departments and agencies have a better idea of what their printing needs are going to be for the forthcoming biennium than does the State Printer, and it will be a simple matter for them to budget their printing in the same manner that they budget other items. What is happening at the present time is that the Legislature appropriates a given sum of money for an agency, and then gives it an additional sum inside the State Printer's budget, and unless a person examines both budgets, he does not have the complete story of the amount that a given agency is going to spend.

This recommendation was made to the 1949 Legislature, and Senate Bills Nos. 204, 205, and 206 were introduced in order to carry out the recommendation. The General Appropriation Act was passed by the Legislature before it had a chance to consider the three bills, and it was impossible to readjust the General Appropriation Act in accordance with their provisions if they had been passed. However, members of the finance committees agreed that the recommendation was sound, and that it should be enacted into law at the next session.

What has all this to do with the recodification problem and the provision of necessary equipment for the State Printing Office? Senate Bill No. 206 provided an appropriation of $50,000 which was to be used as a revolving fund for the operation of the State Printing Office, *and never again would it be necessary for the Legislature to appropriate specifically for the operation of said State Printing Office.* Provision was made whereby every State department and agency would pay for printing performed, and, like a private enterprise, it would be up to the State Printing Office to operate on the moneys received from said State departments and agencies for the printing work performed; in other words, the State Printing Office would be

conducted on a business basis similar to a private enterprise. And here is the important point: Under such a system, the State Printer could gradually build up needed funds for the acquisition of the necessary printing equipment that would make it an easy matter to print the new code and take care of the increased printing load of the State government. It would be unnecessary to make a sizeable appropriation from the General Fund for the purchase of equipment; the Printing Office would gradually save the money for the purpose in the process of doing business with the other State departments and agencies. However, it must be clearly understood that sufficient funds must be appropriated to each department to cover their printing costs. The recommended system will not save money, but it will mean better control of printing expenditures, it will enable the State Printing Office to operate on a business-like basis similar to a commercial shop, and it will enable additional printing equipment to be purchased on a long-term basis without hitting the General Fund a hard blow with a sizeable appropriation all at once.

EXAMPLE OF A RECODIFICATION ACT APPLICABLE TO NEVADA

AN ACT

Providing for the codifying, revising, compiling, annotating, and indexing of the laws of the State of Nevada, providing for the digesting of the reports of the supreme court of Nevada, providing for the printing and reprinting thereof, and other matters relating thereto, and making an appropriation therefor.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby created a codification commission in which shall be vested the administration of the provisions of this act.

SEC. 2. The codification commission shall be composed of nine members, four of whom shall be members of the legislative counsel bureau, heretofore created; two of whom shall be appointed by the supreme court of the State of Nevada; two of whom shall be appointed by the board of governors of the state bar of Nevada; and one who shall be appointed by the governor. The members of the legislative counsel bureau shall serve until their successors are appointed at the next succeeding legislature, notwithstanding the adjournment of the legislature of which they are members, and the expiration of their terms as members of such legislature. The term of office of the other appointed members shall be six years, beginning on the first day of May in the odd-numbered years, and until their successors are appointed and have qualified. A vacancy in the office of the other appointed members shall be filled for the balance of the unexpired term.

SEC. 3. The members of the commission shall meet at such times and at such places as they shall deem necessary, and they shall meet in special session at the call of the chairman or of the director of code revision. At the first meeting subsequent to the appointment of any new member, the commission shall elect one of its members as chairman. The commission shall prescribe rules and regulations for its own management and government, and it shall have only such powers and duties as may be authorized by law. Five members of the commission shall constitute a quorum, and such quorum may exercise all the power and authority conferred on the commission.

SEC. 4. The members of the commission shall perform the duties herein prescribed without compensation, and without allowances for traveling expenses.

SEC. 5. In addition to the other duties imposed by law on the legislative counsel, he shall be ex officio director of code revision, and he shall assist the codification commission in the codification, revision, compilation, annotation, and indexing of the laws of the State of Nevada, the compilation of a digest of the decisions of the supreme court of Nevada, and the printing and reprinting of the code, or portions thereof, as may be necessary from year to year.

SEC. 6. The director shall be the secretary of the commission. With the approval of the codification commission, he shall have the authority

to employ the staff and technical assistance necessary to carry out the provisions of this act, and to fix their compensation, subject to appropriations, and in accordance with the provisions of law. The legislative counsel, in his ex officio capacity of director of code revision, shall perform the duties herein prescribed without compensation, but he shall receive the per diem and travel expenses as fixed by law.

SEC. 7. All the powers, duties, and functions of the codification commission shall be exercised and performed by and through the director of code revision, excepting that the commission shall, at the request of the director of code revision, and may, on its own initiative, advise and direct the director with respect to such powers, duties, and functions; and in all cases in which such advice and direction has been given, the final action or recommendation of the director shall be governed thereby, and the director shall cause a record to be made showing the substance of such advice or direction, and, if there has been a difference of opinion, the names of the members concurring in such advice or direction and of those dissenting therefrom, and shall submit such record with and as a part of such final action or recommendation.

SEC. 8. The codification commission is hereby authorized and directed to supervise on a continuing basis the codification, revision, compilation, annotation, and indexing of the laws of the State of Nevada, the compilation of a digest of the decisions of the supreme court of Nevada, and the printing and reprinting of the code, or portions thereof, as may be necessary from year to year.

SEC. 9. The codification commission shall have the authority to prescribe in accordance with the requirements of a continuous process of codification, the character of the codification, revision, compilation, annotation, and indexing of the laws of the State of Nevada, and of the digest, the form in which the same shall be published, and the character, size, nature, and number of volumes which shall constitute such compilation.

SEC. 10. When the first compilation is completed, the codification commission shall make arrangements immediately after each subsequent session of the Nevada legislature for the newly-enacted laws to become a part of the compilation in such an economical, expeditious, and practical manner as to make unnecessary in future years the complete recodification, revision, recompilation, reannotation, and reindexing of the laws of the State of Nevada and the digest.

SEC. 11. The codification commission shall have, exercise, and perform the following additional powers and duties:

(1) It shall formulate and prepare a definite plan for the order, classification, and arrangement of a loose-leaf code.

(2) In accordance with such plan, and prior to each regular session of the legislature, it shall recommend and prepare for introduction such bills for the consolidation, revision, and other matters relating to the code, or any portion thereof, as may from time to time be completed.

(3) It shall be the codifier of the laws of the State of Nevada. When an act of a general and permanent nature is passed by the legislature and has been enrolled and signed by the necessary officers, the commission shall examine the said act before it is filed with the secretary

of state. If there is no sectional numbering in the act, or such numbering is not in conformity to the code, the commission shall give each section of the act so passed its proper sectional number by writing or printing on the left hand margin of the enrolled bill such proper number or numbers, and the number so designated shall the the official number. Such numbers so placed shall be published in the session laws, and in any publication of the code. It shall be a sufficient reference to any section to refer to it by such official number. Other acts need not be given sectional numbers.

(4) In the preparation of bills for the codification and revision of the laws, the commission shall be governed by the plan which it is herein authorized and directed to formulate and prepare, and it shall not be bound by the order, classification, and arrangement of any previous compilation, nor by the section numbering or arrangement or the division of the subject matter of any law into sections as originally enacted by the legislature. In such bills it may assign to any part of the code such section numbers, chapter headings and titles, and locations or placements, as may be consistent with the plan adopted by the commission, and for this purpose may, in any bills prepared by it, renumber any section, divide any section as enacted into more than one section, and assign a number to each part thereof, change the order of sections as enacted, and change reference numbers in the text of the law as enacted, to agree with new or renumbered titles, chapters, or sections.

SEC. 12. The codification, revision, compilation, annotation, index, and digest provided for in this act shall be printed at the state printing office.

SEC. 13. The codification commission shall have the authority to fix and determine the price at which the compilation and digest shall be sold, and the price of the service and parts made available by the continuous process of codification from year to year; provided, however, that the price of the first compilation shall be not less than fifty dollars ($50). The first compilation and the parts made available by the continuous process of codification from year to year shall be sold and distributed by the secretary of state to all persons, including state, county, and municipal officers, departments, agencies, and institutions, upon the payment of the purchase price as determined by the codification commission, and receipts from the sale thereof shall be deposited in the general fund.

SEC. 14. The compilation herein provided for shall be cited as the "Nevada Code."

SEC. 15. To carry out the provisions of this act, there is hereby appropriated from the general fund for the biennium ending June 30, 1953, the sum of forty-five thousand dollars ($45,000) to be paid out on claims approved by the director as other claims against the state are paid.

SEC. 16. This act shall become effective immediately upon passage and approval.